

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT GREENEVILLE

DAVID HEARING,)
)
Petitioner,)
)
v.) No. 2:18-CV-094-TWP-MCLC
)
CHERRY LINDAMOOD,)
)
Respondent.)

MEMORANDUM AND ORDER

The Court is in receipt of a prisoner's petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254 [Doc. 1]. The United States District Court for the Middle District of Tennessee previously transferred the petition to this Court on June 13, 2018 [Doc. 5].

Since it does not plainly appear from the face of the petition that it should be summarily dismissed, Respondent is hereby **ORDERED** to answer or otherwise respond to the petition within thirty (30) days from the date of this Order. Rule 4 of the Rules Governing Section 2254 Cases in The United States District Courts. Respondent should specifically address whether the petition was timely filed and whether Petitioner has exhausted his available state court remedies. 28 U.S.C. §§ 2244(d), 2254(b). The Clerk is **DIRECTED** to serve copies of the petition for a writ of habeas corpus [Doc. 1] and this Memorandum and Order upon Respondent and the Attorney General for the State of Tennessee.

Although a reply is not necessary, if Petitioner wishes to file a reply, he **SHALL** file that reply within thirty (30) days from the date Respondent files his answer with the Court. Rule 5(e) of the Rules Governing Section 2254 Cases. Any reply should not exceed twenty-five pages,

must directly reply to the points and authorities in the Warden's answer, and must not be used to reargue the points and authorities included in the petition or to present any new issues. *See* E.D. Tenn. L.R. 7.1(b), and (c).

SO ORDERED.

ENTER:

s/Thomas W. Phillips
SENIOR UNITED STATES DISTRICT JUDGE